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*Attorneys for plaintiff Alfred H. Siegel, solely in his capacity
as Trustee of the Circuit City Stores, Inc. Liquidating Trust*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

This Document Relates To:

ALL INDIRECT PURCHASER ACTIONS;

Sharp Electronics Corp., et al. v. Hitachi Ltd., et al.,
No. 13-cv-1173;

Sharp Elecs. Corp. v. Koninklijke Philips Elecs.
N.V., No. 13-cv-02776;

Siegel v. Hitachi, Ltd., No. 11-cv-05502;

Siegel v. Technicolor SA, et al., No. 13-cv-05261;

Best Buy Co., et al. v. Hitachi, Ltd., et al., No.
11-cv-05513;

Best Buy Co., Inc., et al. v. Technicolor SA, et al.,
No. 13-cv-05264;

Target Corp. v. Chunghwa Picture Tubes, Ltd., No.
11-cv-05514;

Target Corp. v. Technicolor SA, et al., No. 13-cv-
05686;

Sears, Roebuck and Co., & Kmart Corp. v.
Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-
05514-SC;

Case No. 07-cv-5944 (SC)

MDL No. 1917

**DECLARATION OF KENNETH S.
MARKS IN SUPPORT OF DIRECT
ACTION PLAINTIFFS AND
INDIRECT PURCHASER
PLAINTIFFS' MOTION TO
MODIFY SCHEDULE FOR
PRETRIAL EXCHANGES**

(CIVIL LOCAL RULE 6-3)

1 *Sears, Roebuck and Co. and Kmart Corp. v.*
2 *Technicolor SA*, No. 3:13-cv-05262;

3 *Viewsonic Corp. v. Chunghwa Picture Tubes, Ltd.*,
4 No. 14-cv-02510.

5 I, KENNETH S. MARKS, hereby declare as follows:

6 1. I am a partner with the law firm of Susman Godfrey LLP, counsel to
7 Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust, one of the Direct
8 Action Plaintiffs in this litigation. I am an active member in good standing of the bars of the
9 State of Texas and the State of New York, and was granted leave to appear *pro hac vice* in this
10 litigation. I have personal knowledge of the facts stated herein, except as to those matters based
11 on my review of documents, and to those matters I believe them to be true. I could and would
12 competently testify to the matters contained herein if called upon to do so. I submit this
13 Declaration in support of Direct Action Plaintiffs and Indirect Purchaser Plaintiffs' Motion to
14 Modify Schedule for Pretrial Exchanges.

15 2. On Friday, November 7, Craig Benson, counsel to Direct Action Plaintiff
16 Sharp Electronics Corporation, sent an email on behalf of Direct Action Plaintiffs and the
17 Indirect Purchaser Plaintiff class (together, "Plaintiffs") to counsel for Hitachi in which he
18 proposed a modification of pre-trial deadlines. This proposal included the alteration of the
19 deadline for Defendants' exchange of trial exhibits, deposition excerpts, and witness lists from
20 January 29, 2015 to January 6, 2015.

21 3. On Monday, November 10, counsel for Hitachi responded that, after
22 conferring with other defendants, they were unwilling to adjust the pre-trial schedule at this time.
23 Defendants stated they want to wait until the Court rules on the pending motions for trial
24 structure.

25 4. As explained in the accompanying motion, the present schedule (i) does
26 not allow Plaintiffs sufficient time to confer regarding objections to exhibit lists, deposition
27 excerpts, and witness lists; (ii) requires Plaintiffs to file motions *in limine* before Defendants
28

1 provide their witness and exhibit lists; and (iii) does not provide adequate time for Plaintiffs to
 2 review Defendants' deposition designations and respond with their own counter-designations.

3 5. Pursuant to Civil Local Rule 6-3(a)(5), the table below discloses previous
 4 time modifications made in this multi-district litigation as to the case schedule:

<u>Date</u>	<u>Dkt. No.</u>	<u>Description</u>
March 13, 2013	1595	Order adopting proposed revised schedule parties regarding pretrial schedule and trial date.
March 21, 2014	2459	Order entering stipulation between parties regarding pretrial schedule and trial date.

10 6. Plaintiffs' proposal is specifically designed so that it should not have an
 11 effect on the currently set trial date for this case.

13 I declare under penalty of perjury that the foregoing is true and correct. Executed
 14 this 24 day of November, 2014, at Houston, Texas.

15 /s/ Kenneth S. Marks
 16 Kenneth S. Marks